

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

DAVID L. MORGAN,

Plaintiff,

v.

CIVIL ACTION NO. 5:05-cv-00764

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.

**JUDGMENT ORDER**


David L. Morgan (“Plaintiff”) brings this action under 42 U.S.C. §§ 401-433, seeking review of the Commissioner of Social Security’s (“Commissioner”) final decision denying Plaintiff’s application for disability insurance benefits under Title II of the Social Security Act. On September 16, 2005, this matter was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission of proposed findings and a recommendation (“PF&R”) pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge VanDervort filed his PF&R on January 24, 2007 [Docket 14]. In that filing, the magistrate judge recommended that this Court deny Plaintiff’s Motion to Remand [Docket 10], grant Commissioner’s Motion for Judgment on the Pleadings [Docket 13], and dismiss this action from the Court’s docket.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff’s right to appeal this

Court's Order. *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge VanDervort's PF&R were due by February 9, 2007, pursuant to 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b). To date, no objections have been filed.

Accordingly, the Court **ACCEPTS** the recommendation of the magistrate judge, **DENIES** Plaintiff's Motion for Remand [Docket 10], **GRANTS** Commissioner's Motion for Judgment on the Pleadings [Docket 13], and **DISMISSES** this action from the Court's docket. The Court **DIRECTS** the Clerk to send a certified copy of this Judgment Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented party.

ENTER: February 15, 2007



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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE